

ROADS ACT REVIEW

The Roads Act has provided a solid foundation for the development, operation, management and maintenance of roads and the provision of traffic management.

The issues are

- Embodying safety into the Act
- Clear guidance on roles and responsibilities
- Lack of clarity within the Act of the roles funding, operations and management of roads other than freeways.
- The Act and Transport and Infrastructure State Environmental Planning Policy being an impediment to the good management and operation of local streets and housing delivery.

EMBODYING SAFETY INTO THE ACT

The Roads Act does not consider road safety to be an objective of the Act and the first two objects (a) and (b) should be modified to include “safely” – e.g. (a) becomes “to set out the rights of members of the public to pass *safely* along public roads, and”.

CLEAR GUIDANCE ON ROLES AND RESPONSIBILITIES

The Act and its application guidance (including delegations and references to other Acts) are vague and not written in plain English. New guidance documentation is urgently required for practitioners, councillors and general members of the public.

THE ROLE OF TRANSPORT FOR NSW IN THE MANAGEMENT OF LOCAL ROADS, INCLUDING TRAFFIC SIGNALS

The management of local roads has been undertaken by local councils under delegation from TfNSW with a check through the Local Traffic Committee. The LTC, including the local member of parliament is a difficult to manage way that Councils undertake their management functions responsibly.

Council Control of Traffic

While the delegation under s115(2) has temporarily been expanded, the requirement of a local Council to submit a Traffic Management Plan (2011 Delegation to Councils) to Transport for NSW to manage traffic (eg No Right Turn signs) on a local road is an onerous impost which disenables Councils to manage traffic in the best interest of its local community.

Recommendation

The Act or Roads Regulation should specify what councils can control with an increased allowance for Councils to act if they follow Austroads and TfNSW guidance.

Ministerial Discretion to control traffic on local roads

The Minister administering the Act currently has the power to control traffic on local roads against the objection of the local Council for any reason. This authority was applied for the provision of additional road infrastructure around the Northern Beaches Hospital Precinct and resulted in a New Regional Road environment being handed back to council at the end of the delivery as local road.

Recommendation

The ministerial authority to override council control of traffic should be removed with the exception of an immediate safety risk.

Traffic Signals

Similarly, TfNSW can be a barrier to efficient development through blocking the appropriate and timely provision of traffic signals through the non-delegation of the ability to control traffic under s87(3). For example, an Indicative Layout Plan (ILP) for a new housing areas which has been reviewed by TfNSW and approved by the Department of Planning, Housing and Infrastructure (DPHI) could have its access arrangements via traffic signals either held up or not approved by TfNSW for installation. Further, Councils have the inability to determine traffic signal timing on local roads and larger Councils could responsibly manage their own signals to the benefit of their community.

Recommendation

Councils should have the ability to authorise the installation of traffic signals on local roads at locations more than 100 m from a Classified Road.

Speed Limits

The management of speed limits should not be included in any future delegation to Councils as it is important that they are consistently applied across NSW as per the NSW Speed Zoning Guidelines. However, TfNSW should rely on the advice of the local council and be proactive in delivering safer, appropriate speed limits for local roads.

Recommendation

Speed Limits are not included in any future delegation to Councils.

ROAD CLASSIFICATION AND ITS IMPACT ON CONSTRUCTION, OPERATIONS AND MAINTENANCE

Under the Roads Act, all roads other than Freeways, Transitways and Motorways belong to the local Council with TfNSW responsible for operating and maintaining State works and controlling Main Roads, Highways and some Secondary Roads. This creates significant

confusion in the industry and for some members of the public when functional and access based considerations (eg buses and heavy vehicles) are added in.

While the movement and place hierarchy is useful to determine how various modes and places should be treated, it should not be included within the Act or Regulation as it is a relatively new tool and does not encompass how roads are to be managed.

Recommendation

Road Classification is modified with the Act to define roads for based on their combined construction, operations and maintenance responsibility. An example of how this could be achieved is given below.

Classification	Responsibility	Description
Motorway	TfNSW	A tolled or untolled Controlled Access Road owned and managed by TfNSW or its delegate (eg Transurban)
Transitway	TfNSW	A dedicated road for the use of buses and/or light rail vehicles owned and managed by TfNSW.
State Highway or Main Road	TfNSW	A road for the primary movement of people and goods where TfNSW controls access, owns and manages the road
Secondary & Tourist Roads	TfNSW/Council	A road that supports a substantial amount of through traffic or connects tourist destinations where the travel lanes are managed by TfNSW
Local Streets	Council	A Street that connects places to each other and other parts of the road network where local council owns and manages the road.

IMPEDIMENT TO HOUSING DELIVERY

The form of the Act (s138) and the Transport and Infrastructure (TI) SEPP are an impediment to the efficient delivery of new housing and other development that also benefits the community. For example, the TI SEPP requires that all road access (where practicable) for

new developments does not access classified roads. However, this does not consider the nature of the development and its effects on the surrounding community. For example, a Bunnings on a State Road could be required to have all its deliveries via a neighbouring residential street, destroying the amenity of local housing. Similarly, new developments which would be best served having access to classified roads (eg Private Hospitals) are stymied.

Additionally, the s138 process of receiving a Works Authorisation Deed can result in previously consulted and approved developments being held up when TfNSW is given a “second bite of the apple” and can request design changes that have a delivery and cost impact on developers that should have been considered in the assessment phase.

Recommendation

The Act is modified such that development that has been approved following consultation with TfNSW must be given approval for works if it follows TfNSW design requirements.

Additional comment from the Strategic Transport team at [REDACTED]

A few comments below from a multi-modal, integrated transport planning point of view:

- The Roads Act currently lacks a clear framework for strategic road network planning – planning of the road network needs to consider the integration between transport and land use planning better – the Act needs a more structured, strategic approach.
- The previous Act is very ‘traffic’ heavy and does not particularly consider movement of all road users – a change towards considering multi-modal forms of transport, including active and public transport, is needed to ensure all transport needs are considered.
- Road safety considerations – The Safe Systems approach should be considered in the new Act. The SSA views the entire road transport system as interconnected, aiming to make crashes survivable by addressing all elements – people, vehicles, roads. This again touches on the road system not only being used by cars.
- Active transport – There is minimal (if any) reference to bike riders and pedestrians in the current Act. Active transport needs to be considered as being part of ‘traffic’. As James mentioned, defining in the roads act what is a shared path, what is a separated cycleway, what is a footpath, a pedestrian refuge, a marked pedestrian crossing etc would be beneficial.
- Public transport – It would be helpful if delegations to Councils and supporting guidelines were reviewed and updated to make it easier for Councils to be involved in public transport planning on local roads.
- Control of footpaths and street furniture – bus shelters etc. Council is currently required to seek approval to move or install for example bus shelters.

Additional comment from the Traffic Team at [REDACTED]

It would also be good if they can address the current confusing means of classifying roads. The classified road system in the Roads Act doesn’t mean much to anyone outside of TfNSW, doesn’t mention roads under Council control and as noted on Pg 38 there are multiple other means of

categorising roads. This makes it very confusing. Personally, I like the simple State Regional and Local Road categorisation and this is the most relevant categorisation for us at a Council level. It would be good if this could be encapsulated in the Roads Act although even then, are Regional Roads ours or Transports? Saying they're Council roads but we can't make changes without Transports approval isn't really helpful. It would be good if there was only one category of "classified road" rather than the 9 currently listed. Classified roads would then have TfNSW as the Roads Authority with Council the Roads Authority for all others.

If the above was done Is there still a need for delegations from TfNSW to local councils? TfNSW seems to be increasingly reducing its level of responsibility why not just define Council's as the Roads Authority for all non-classified roads in their LGA and be done with it.

The Traffic Committee is not referenced in the Roads Act. Given that every Council has one why not do so? And why are local members voting members on the Local Traffic Committee. What traffic engineering expertise do they have? Their presence only serves to make Traffic Committee's more political, particularly in ones like ours where the LGA crosses multiple electorates.

Publishing changes in the Gazette is a bit of an archaic principle but is referenced many times in the current Roads Act. Does anyone even read the gazette anymore? does it even exist? Similarly, there are references to publishing notices in local newspapers. Simply requiring advertising of changes via Council's/TfNSW website or community engagement channels should be sufficient

I don't think the Roads Act mentions bicycles or pedestrians and they are therefore poorly reflected in the Roads Act as road users. There is a need to reference their status as road users to ensure their needs are reflected in decision making regarding the design and approvals of roads. Defining in the roads act what is a shared path, what is a separated cycleway, what is a footpath, a pedestrian refuge, a marked pedestrian crossing etc and referencing cost recovery for such facilities in similar fashion to references for special crossings and kerb and gutter etc.